IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6107 OF 2005

Shri.Shivshankar Nagnath Jadhav ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. Anil V. Dhavale for the Applicant.
Shri. K.V. Saste, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 26, 2005.

P.C.:

1. Heard the learned Advocate appearing for the Applicant and the learned A.P.P. for the State. The offence registered against the Applicant and others is under section 395 of the Indian Penal Code.

2. The learned Advocate for the Applicant submitted that the investigation has been completed. He pointed out that the description of the articles allegedly recovered at the instance of the Applicant is different from the description of the articles given by the witness. He submitted that there are inconsistencies in the prosecution case.

3. The learned A.P.P. submitted that apart from the recovery made at the instance of the Applicant, there are number of offences registered against the Applicant and therefore, the Applicant is not entitled to be enlarged on bail.

4. Perusal of the F.I.R. shows that there are four accused persons. In the statement of eye-witness Vandana recorded on 18th May, 2005, she has identified two accused persons. In supplementary statement of the same witness recorded on 24th June, 2005, she has identified five other persons as accused. Considering the state of affairs, the difference in the description of the property recovered at the instance of the Applicant and the description of the alleged stolen property becomes relevant. There is no Test Identification Parade held. Even the first informant in his supplementary statement has stated that he purportedly identified five accused.

5. Considering the nature of material on record, the registration of the other offences may not be relevant, especially, when the Applicant has been enlarged on bail in most of the said offences. A case is made out for enlarging the Applicant on bail subject to stringent conditions.

6. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with **C.R.No.173 of 2005 registered at Wanowadi Police Station, District Pune,** subject to

furnishing a personal bond of **Rs.20,000/- (Rupees Twenty Thousand)** with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant will report to the Investigating Officer on every Sunday at 11.00 a.m. till the conclusion of the trial.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

iv) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated

copy of this order.

JUDGE